

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KEVIN DE LA CRUZ and ANTHONY TABAS,

Plaintiffs,

-against-

MDBH MOBILE 3 INC., MRBH MOBILE INC.,
MDBH MOBILE 7 INC., MDBH MOBILE INC.,
CELL PHONES OF HARLEM, INC.,
HIGH SPEED WIRELESS 1618, INC.,
GH WIRELESS II, INC., and MORIS HASBANI,

Defendants.

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NOTICE OF MOTION

Case No. 1:22-cv-03053 (SN)

PLEASE TAKE NOTICE, Defendants, **MDBH MOBILE 3 INC., MRBH MOBILE INC., MDBH MOBILE 7 INC., MDBH MOBILE INC., CELL PHONES OF HARLEM, INC., HIGH SPEED WIRELESS 1618, INC., GH WIRELESS II, INC.** (collectively, the “Corporate Defendants”), and **MORIS HASBANI** (the “Individual Defendant”) (collectively, “Defendants”), by and through their attorneys, **HAMRA LAW GROUP, P.C.**, will move this Court before the Honorable Sarah Netburn, United States Magistrate Judge, United States District Court for the Southern District of New York, located at 40 Foley Square, New York, New York 10007 at the earliest date and time available to this Court so that counsel may be heard for an Order: granting Defendants’ Motion for Summary Judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure against Plaintiffs, **KEVIN DE LA CRUZ** and **ANTHONY TABAS**, on the grounds that joint employer relationship does not exist between the Corporate Defendants and the Individual Defendant as concerns the Plaintiffs working for the Individual Defendant; (2) that Plaintiff, **ANTHONY TABAS**, is an exempt employee under the Fair Labor Standards Act (“FLSA”) and New York Labor Law (“NYLL”); and (3) for other such relief this Court deems just and proper.

The within Summary Judgment Motion is based on Defendants' accompanying Memorandum of Law, Defendants' Local Civil Rule 56.1 Statement of Undisputed Facts, and the Exhibits attached hereto.

Dated: Great Neck, New York
June 26, 2023

Yours etc.,

/s/ *Deborah R. Kick*
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TO: (via ECF)
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